

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOM LANGE COMPANY
INTERNATIONAL, *et al.*,

Plaintiffs,

- v -

MSC MEDITERRANEAN SHIPPING
COMPANY S.A., *et al.*,

Defendants.

20-CV-984 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

This action was filed on February 5, 2020. (Dkt. No. 1.) The docket does not indicate that Plaintiffs have served Defendants LCL Caribbean Corporation, M/V MSC AVNI, or M/V San Antonio. Rule 4(m) of the Federal Rules of Civil Procedure requires a defendant to be served with the summons and complaint within ninety days after the complaint is filed. And while there exists a foreign-country exception to Rule 4(m), it is available only if Plaintiffs attempt to serve the defendant in the foreign country within the time limit. *USHA (India), Ltd. v. Honeywell Int’l, Inc.*, 421 F.3d 129, 133–34 (2d Cir. 2005).

Plaintiffs are directed to advise the Court in writing why they have failed to serve the summons and complaint on Defendants LCL Caribbean Corporation, M/V MSC AVNI, or M/V San Antonio within the ninety-day period, or, if any of these defendants have been served, when and in what manner such service was made.

If no written communication is received by June 2, 2020, showing good cause why such service was not made within ninety days, the Court will terminate Defendants LCL Caribbean Corporation, M/V MSC AVNI, and M/V San Antonio as parties to this action.

SO ORDERED.

Dated: May 19, 2020
New York, New York



J. PAUL OETKEN
United States District Judge